IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE Mr. JUSTICE C.V. RAMULU

WRIT PETITION No.7270 of 2005

Between:

Bandla Ratnakar Raju, S/o. Venkaiah,
aged about 38 years, Occ: Stone Crusher Operator,

Old Railway Quarters, Gurajala Railway Station,
Guntur District.

..... PETITIONER

AND

1) The Station House Officer, Guraja Police Station,
Gurtur District.

2) The Superintendent of Police, Guntur District.

3) The Director General of Police & Inspector General of Police,
Lakdikapool, Hyderabad.

4) The Home Secretary, Department of Home,

Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or orders more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce the detenu namely Bandla Kishore S/o. Yesudanam, aged about 37 years,
Occ: Borewell Repairer R/o. Gurajala, Guntur District before this Hon'ble Court.

Counsel for the Petitioner: Mr. R.V. RAGHUNATH

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

ORDER: (Per Hon'ble Sri Justice B. Sudershan Reddy)

Heard the learned counsel for the petitioner as well as the learned Advocate General and at their request, the writ petition itself is taken up for final disposal at the stage of admission.

Rule Nisi.

The alleged detenu is accused in Crime No.28 of 2005 on the file of Karampudi Police Station registered under Section 5 of the Explosives Substances Act and under Section 8(1) of the A.P.P.S. Act. It is stated in the counter affidavit that the alleged detenu was arrested on 7/8-04-2005 in connection with the said crime and produced before the learned Additional Munsif Magistrate, Gurajala at his residence at 17-50 hours on 08-04-2005 and upon such production the learned Magistrate directed the Police to produce the alleged detenu before the Court on the next working day. Accordingly, the alleged detenu was produced before the learned Magistrate on 11-04-2005 at 10-30 a.m., and the learned Magistrate remanded him to judicial custody. That as at present, the alleged detenu is lodged in Sub-Jail, Gurajala.

In the circumstances, it cannot be said that the alleged detenu continues

to be in illegal detention, as alleged by the petitioner in the affidavit filed in support of the writ petition.

For the aforesaid reasons, no Writ of Habeas Corpus lies requiring production of the alleged detenu.

The Writ Petition shall accordingly stand dismissed.

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B. SUDERSHAN REDDY, J

Date:13-04-2005.

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C.V. RAMULU, J

PV

To

1) The Station House Officer, Gurajala Police Station,
   Gurtur District.

2) The Superintendent of Police, Guntur District.

3) The Director General of Police & Inspector General of Police, Lakdikapool, Hyderabad.

4) The Home Secretary, Department of Home,
Secretariat Buildings, Hyderabad.

5) Two C.Cs. to learned Advocate General, High Court of A.P.,

Hyderabad (O.U.T.)

6) Two C.D. copies.